

**Facsimile Transmission**

July 23, 2002

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Pages (including this page): 13

Our Ref.: 010366-0009-999

Recipient: Petitions Attorney Paul Shanowski

Facsimile Number: 1-703-308-6916

Company: Office of Petitions
USPTO

Your Ref.: 09/855,633

FAX RECEIVED

JUL 23 2002

Confirmation copy will not follow. PETITIONS OFFICE

Re: Request for Reconsideration of Petition
under 37 CFR § 1.47(a)**Message****PLEASE DELIVER TO PETITIONS ATTORNEY
PAUL SHANOSKI (703-305-0011) IMMEDIATELY.**CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on July 23, 2002 to facsimile telephone number (703) 308-6916.

A handwritten signature of Steven D. Underwood in black ink.

Steven D. Underwood

47,205

(Reg. No.)

If you have any problems regarding this transmission, please contact Steven D. Underwood at (212) 790-6517.

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NY2 - 1337501.1

#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Olsen et al.

Application No.: 09/855,633

Group Art Unit: 2164

Filed: May 14, 2001

Examiner: Not yet assigned

For: METHODS FOR TRADE
DECISION MAKING

Attorney Docket No.: 10366-009

REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 CFR 1.47(A) REGARDING
INVENTOR REFUSING TO SIGN DECLARATION

Attn: Office of Petitions
Commissioner for Patents
Box DAC
Washington, D.C. 20231

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PETITIONS OFFICE

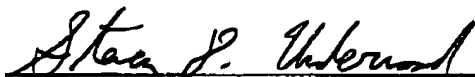
Sir:

Applicants seek to have the above-identified application examined under 37 CFR § 1.47(a) without the signature of one of the listed inventors (Olivier Pictet) on the Declaration.

On February 13, 2002, Applicants filed a Petition Under 37 CFR § 1.47(a) requesting such action. A copy of the Petition is enclosed. On July 9, 2002, the Patent Office mailed a Decision on Petition dismissing the Petition. A copy of that decision is enclosed. On July 18, 2002, Applicants' representative, Steven Underwood, spoke by telephone with Petitions Attorney Paul Shanowski. In response to the July 9 Decision and the July 18 telephone call with Mr. Shanowski, Applicants submit this Request for Reconsideration.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on July 23, 2002 to facsimile telephone number (703) 308-6916.



Steven D. Underwood

47,205

(Reg. No.)

The Decision states:

A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found; and
- (6) a declaration which complies with 37 CFR §1.63.

The Decision further states: "Petitioner has met requirements (1), (2), (3), and (6) of 37 C.F.R. §1.47(a) above." However, regarding the fourth and fifth requirements, the Decision states: "[P]etition has not shown that a *complete* copy of the application was sent to the non-signing inventor."

During the July 18 telephone call referenced above, Mr. Shanoski indicated that submission of a statement from a person with first-hand knowledge stating that a complete copy of the application papers (including the specification, claims, drawings, and declaration) had been sent to Mr. Pictet would be sufficient to satisfy the fourth and fifth requirements listed above and to have the Petition approved.

In response, Applicants enclose herewith a statement from Ms. Anita Hunkeler. Ms. Hunkeler certifies that she mailed a complete copy of the application papers (including the specification, claims, drawings, and declaration) to Mr. Pictet on two separate occasions (October 11, 2001 and December 19, 2001). Copies of the two corresponding cover letters are also enclosed.

Applicants believe that the fourth and fifth requirements listed above have now been satisfied, and therefore respectfully request the grant of the Petition filed February 13, 2002.

Please charge all required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date July 23, 2002

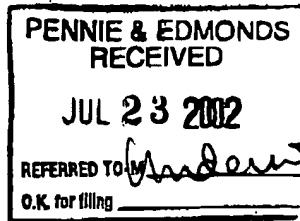
Steven D. Underwood (47,205)
24,615
For Francis E. Morris Reg. No.
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

Olsen Data AG

S efeldstrasse 233 8008 Zürich Schweiz
Tel. +41 (1) 386 48 48 Fax +41 (1) 422 22 82
e-mail info@olsen.ch Internet http://www.olsen.ch

Pennie & Edmonds LLP
Steven D. Underwood
1155 Avenue of the Americas
New York, NY 10036-2711
USA



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JUL 23 2002

PETITIONS OFFICE

Zurich, July 19, 2002

U.S. Patent Application

Dear Steven

I, Anita Hunkeler at Widenacherstrasse 5, CH-8908 Hedingen, certify that I sent a complete copy of the application papers (including the specification, claims, drawings, and declaration) for the U.S. patent application entitled Methods for Trade Decision Making, filed May 14, 2001, Pennie & Edmonds docket no. 10366-009, to Olivier Pictet at 9 chemin des Tulpiers, CH-1208 Genf on October 11 2001 and second time December 19, 2001 by mail. The two cover letters are attached.

Kind regards,

Olsen Data AG

A handwritten signature in dark ink, appearing to read 'Anita Hunkeler'.

Anita Hunkeler
Finance & Personnel

COPIE

Olsen Data AG

Seefeldstrasse 233 8008 Zürich Schweiz
Tel. +41 (1) 386 48 48 Fax +41 (1) 422 22 82
e-mail info@olsen.ch Internet <http://www.olsen.ch>

Olivier Pictet
9 chemin des Tulpiers
1208 Genf

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JUL 23 2002

PETITIONS OFFICE

Zurich, October 11, 2001

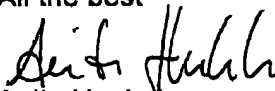
Dear Olivier

According my email I send you the patent-document attached.
Please sign it and send it Lars.

Please enclose also the receipt of the notary public. So I can reimburse the money.

Thanks a lot for your help.

All the best


Anita Hunkeler

Olsen Data AG

Seefeldstrasse 233 8008 Zürich Schweiz
Tel. +41 (1) 386 48 48 Fax +41 (1) 422 22 82
e-mail info@olsen.ch Internet <http://www.olsen.ch>

Olivier Pictet
9 chemin des Tulpiers
1208 Genf

Zurich, December 19, 2001

FAX RECEIVED

JUL 23 2002

PETITIONS OFFICE

Patent application: „Methods for Trade Decision Making“

Dear Olivier

According to our phonecall I'll send you the attached patent-document over again.

Please sign it and sent it back to me.

Thank you!

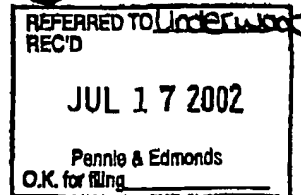
Cordially,



Anita Hunkeler



UNITED STATES PATENT AND TRADEMARK OFFICE



Request for Reconsideration: 9/9/02^{2A}

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Paper No. 7

PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

COPY MAILED

JUL 09 2002

OFFICE OF PETITIONS

In re Application of
Richard B. Olsen, Michel M. Dacorogna, Oliver V.
Pictet, Ulrich A. Muller, Rakhal D. Dave, and Lars A.
Jaegar
Application No. 09/855,633 ✓
Filed: May 14, 2001
Attorney Docket No. 10366-009 ✓
Title: METHODS FOR TRADE DECISION MAKING

DECISION ON PETITION

FAX RECEIVED

JUL 23 2002

PETITIONS OFFICE

This is in response to the petition under 37 C.F.R. §1.47(a)¹, filed February 13, 2002.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.47(a)."

On May 14, 2001, the application was deposited, identifying Richard B. Olsen, Michel M. Dacorogna, Oliver V. Pictet, Ulrich A. Muller, Rakhal D. Dave, and Lars A. Jaegar as joint inventors. The application was deposited without a fully executed oath or declaration. On July 12, 2001, a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice) was mailed, indicating that an executed oath or declaration and a surcharge of \$65.00 were required. This Notice set a two-month period for reply.

With the instant petition, the petitioner has included the filing fee for the petition, the \$65.00 surcharge, a four month extension of time to make timely this reply², a declaration executed by each inventor save Inventor Pictet, a copy of an e-mail sent by the non-signing inventor, and a copy of the letter sent to the petitioner from the non-signing inventor's attorney.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
- (5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (6) a declaration which complies with 37 CFR §1.63.

² A five month extension of time was required. The difference has been charged to petitioner's Deposit Account, as authorized in the petition.

Application No. 09/855,633

Page 2

Petitioner has met requirements (1), (2), (3), and (6) of 37 C.F.R. §1.47(a) above.

Regarding the fourth requirement, petitioner has not shown that a *complete* copy of the application was sent to the non-signing inventor. Petitioner refers to attorney Ulmann's allegation that certain references were not mentioned in the application to show that a copy of the entire application was received by attorney Ulmann. This is insufficient to show, as required, that Rule 47 applicant presented the inventor with a copy of the entire application.

Regarding the sixth requirement above, it follows that one cannot refuse to sign something which one has not been presented with. A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. It is reasonable to require that the inventor be presented with the application papers before a petition under 37 CFR 1.47 is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed³.

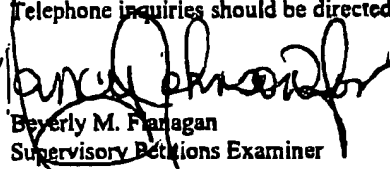
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Paul Shanowski at (703) 305-0011.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

³ In re Gray, 115 USPQ 80 (Comm'r Pat. 1956).

Express Mail No.: EL 477 034 219 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Olsen et al.

Application No.: 09/855,633

Group Art Unit: 2164

Filed: May 14, 2001

Examiner: Not yet assigned

For: METHODS FOR TRADE DECISION
MAKING

Attorney Docket No.: 10366-009

**PETITION UNDER 37 CFR 1.47(A) REGARDING
INVENTOR REFUSING TO SIGN DECLARATION**

FAX RECEIVED

JUL 23 2002

PETITIONS OFFICE

Commissioner for Patents
BOX MISSING PARTS
Washington, D.C. 20231

Sir:

Applicants hereby petition the Commissioner under 37 CFR § 1.47(a) to have the above-identified application examined without the signature of one of the listed inventors (Olivier Pictet) on the Declaration. The facts surrounding Mr. Pictet's refusal to sign are described below.

On or about Friday, February 8, 2002, Dr. Richard Olsen, the first-named applicant, received an email message from Mr. Pictet containing an express refusal to sign documents related to the application. A copy of that email message is attached.

Also, applicants' attorneys recently received a letter from Mr. Pictet's counsel Thierry Ulmann (identified in Mr. Pictet's email), stating that Mr. Pictet refuses to sign an assignment and alleging that certain references were not mentioned in the application. The letter shows that Mr. Pictet's counsel has received a copy of the application, as required by MPEP § 409.03(d). A redacted copy of that letter is attached.

Mr. Pictet's address is given in his email message:

Pictet & Cie
29, boulevard Georges-Favon
CH-1204 Geneva
Switzerland

The address of Mr. Pictet's attorney is given in the attached letter and in Mr. Pictet's email message:

Thierry Ulmann, Esq.
Ulmann & Couyoumdj lis
Attorneys at Law

14, rue du Conseil-General
1205 Geneva
Switzerland

Applicants respectfully request the grant of this petition. Please charge all required fees to
Pennie & Edmonds LLP Deposit Account No. 16-1150.

Respectfully submitted,

Date February 13, 2002

Steven J. Underwood (Reg. No. 42,205)
24,615
For Francis E. Morris Reg. No.
PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036-2711
(212) 790-9090

Enclosures

Steven Underwood - [Fwd: Patent]

From: Richard Olsen <richardo@olsen.ch>
To: Steven Underwood <underwoods@pennie.com>, Frank Mo...
Date: Fri, Feb 8, 2002 8:59 AM
Subject: [Fwd: Patent]

Dear Steven,

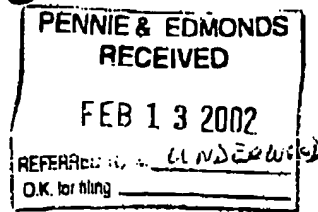
It is really frustrating - Olivier Pictet does not want to sign the declaration.

How should we proceed? Can we afford to just forget about it?

Richard

Olivier PICTET wrote:

>
> Hi Richard,
>
> Sorry, after many discussions I decide to stay on my first position.
> So, as you seem to already believe, I will sign no documents.
> To continue this discussion, just contact my layer (Thierry Ulmann,
> rue du Conseil-Général 14, 1205 Genève) which take care
> of these things for me.
>
> Best regards,
> Olivier.
>
> -----
> This document should only be read by those persons to whom it is
> addressed and is not intended to be relied upon by any person
> without subsequent written confirmation of its contents. If you
> have received this e-mail message in error, please destroy it
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> Any form of reproduction, dissemination, copying, disclosure,
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> message is strictly prohibited.
> -----
> Pictet & Cie, Banquiers Tel. +41 (0)58 323 2323
> 29, boulevard Georges-Favon Fax +41 (0)58 323 2324
> CH-1204 GENEVE <http://www.pictet.com/>
> -----
> * NEW PHONE NUMBERS AS OF 1/1/2002! *
> * NOUVEAUX NUMEROS DES LE 1/1/2002! *
> -----

ULMANN & COUYOUMDJELIS
ATTORNEYS AT LAW

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TVA 297 452

ME CLAUDE ULMANN
CCP NO 12 - 5552 - 3
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TVA 328 957

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1155 avenue of the Americas
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USA

Attn. Mr. Steven D. UNDERWOOD, Esq.

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JUL 23 2002

PETITIONS OFFICE

1205 GENEVA, 3 FEBRUARY, 2002
14, RUE DU CONSEIL-GENERAL

Dear Colleague,

Re: Dr. Richard B. OLSEN - OLSEN & ASSOCIATES

I am the attorney of Mr. Oliver PICTET in Geneva. Mr. PICTET was requested by your client mentioned under caption to assign for a consideration of one US dollar his rights on a method to be patented by your firm. My client has no intent at all to assign any of his rights to anyone. He is less eager than ever for this as Mr. OLSEN owes money to my client

I also provide in the enclosure some scientific references which are not mentioned in your patent application and which were published a long time ago.

Sincerely yours,

Thierry Ullmann, Esq.



Enclosures:

mentioned

03 308 6916

*** RX REPORT ***

RECEPTION OK

TX/RX NO	7209
CONNECTION TEL	212 869 9741
CONNECTION ID	
START TIME	07/23(TU)14:10
USAGE TIME	03'40"
PGS.	13
RESULT	OK